

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

Plaintiff,

vs.

SOCIAL SECURTY ADMINISTRATION,
Omaha Office; and DIRECT EXPRESS,

Defendants.

4:21CV3091

**FINDINGS, RECOMMENDATION
AND ORDER**

On May 4, 2021, Plaintiff filed a pro se complaint and motion to proceed in forma pauperis. (Filing Nos. 1 and 2). The motion was denied without prejudice on May 4, 2021 because Plaintiff failed to complete an application to proceed in forma pauperis. (Filing No. 6). For Plaintiff's convenience, a copy of the "Application to Proceed in District Court Without Prepaying Fees or Costs" was attached to the court's order.

As of August 23, 2021, Plaintiff had not paid the filing fee or filed a new in forma pauperis application. Plaintiff was given until September 20, 2021 to show cause why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution. Plaintiff was warned that the failure to timely comply with the show cause order may result in dismissal without further notice. (Filing No. 7). To date, Plaintiff has failed nothing which would explain his delay in pursuing this lawsuit.

On September 13, 2021, Plaintiff again filed a motion to proceed in forma pauperis. (Filing No. 8). While he used the court's form this time, he did not fully

answer the questions and provided little or no meaningful information to explain why he may be entitled to file this lawsuit without paying a filing fee.

Accordingly,

IT IS ORDERED that Plaintiff's motion to proceed in forma pauperis, (Filing No. 8), is denied.

IT IS FURTHER RECOMMENDED to the Honorable John M. Gerrard, United States District Judge, pursuant to 28 U.S.C. § 636(b), that Plaintiff's claims be dismissed without further notice for want of prosecution and for failure to pay a filing fee or in the alternative, a completed application to proceed in forma pauperis.

Plaintiff is notified that failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation.

September 21, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge